

No. 1572 (2)/LXXIX-V-1-20-1(ka)-24-20

Dated Lucknow, August 31, 2020

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Swavittposhit Swantantra Vidyalaya (shulk Viniyaman) (Sanshodhan) Adhiniyam, 2020 (Uttar Pradesh Adhiniyam Sankhya 21 of 2020) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 28, 2020. The Madhyamik Shiksha Anubhag-7, is administratively conerned with the said adhiniyam.

THE UTTAR PRADESH SELF-FINANCED INDEPENDENT SCHOOLS
(FEE REGULATION) (AMENDMENT) ACT, 2020

(U.P. Act No. 21 of 2020)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Self-financed Independent Schools (Fee Regulation) Act, 2018.

IT IS HEREBY enacted in the Seventy first Year of the Republic of India as follows:-

Short title, and
commencement

1.(1) This Act may be called the Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) (Amendment) Act, 2020;

(2) It shall be deemed to have come into force with effect from April 9, 2018.;

Amendment of
section 2 of U.P.
Act no. 40 Of 2018

2. In section 2 of the Uttar Pradesh Self-Financed Independents Schools (Fee Regulation) Act, 2018 hereinafter referred to as the Principal Act,-

(a) *after* clause (f) the following clause shall be *inserted*, namely:-

(ff) "Divisional Appellate authority of Self-Financed Independent Schools" means Divisional Self-Financed Independent Schools Authority constituted under section-9;

(b) clause (z) shall be *omitted*.

Amendment of
section 4

3. In section 4 of the principal Act, the following sub-section (3) shall be *inserted*, namely:-

(3) "Notwithstanding anything contained in this Act, in extraordinary conditions or emergent circumstances like, but not limited to Acts of God, Epidemics, Natural Calamities, Wars or Revolutions, Civil commotions, Floods, etc; the State Government may by order, regulate the fees to be charged by the recongnized schools, from existing students and newly admitted students for each academic year till such time the aforesaid eventualities exist or till such time as seems expedient in public interest to do so."

Amendment of section 8 4. In section 8 of the principal Act *for* sub-section (11) the following sub-section shall be *substituted*, namely:-

(11) Where the recognized school or any person is aggrieved by the decision of the District Fee Regulatory Committee, it may, within thirty days from the date of such decision, prefer an appeal, in such manner as may be prescribed to the Divisional Self-financed Independent School Appellate Authority referred to in section 9.

5. In section-9 of the Principal Act, - Amendment of section 9
(a) *for* the marginal heading, the following marginal heading shall be *substituted*, namely:-

"Divisional Self-Financed Independent School Appellate Authority";

(b) *for* sub-section (1), (2) and (3) the following sub-section shall be *substituted*, namely:-

(1) There will be a Self-Financed Independent School Authority in all the divisions of the State, which will include:-

1. Divisional Chairman - *Commissioner*
2. Additional Director Treasury- *Member*
3. Divisional Joint Director of Education-*Member Secretary*

The above Appellate Authority may seek the Assistance of Chartered Accountant as required.

(2) An Appellate Authority, provided in section 11 of the Uttar Pradesh Private Professional Educational Institutes (Regulations of Admission and Fixation of Fee) Act, 2006 shall function as Self-Financed Independent School Appellate Authority for the purpose of this Act unless a Divisional Self-financed Independent School Appellate Authority is constituted in all Divisions of the State by the Government by notification in the *Gazette*;

(3) The Appellate Authority shall have powers of civil court as will as appellate court provided under the Code of Civil Procedure, 1908 (Act no. 5 of 1908) while hearing appeal. The Decision passed by the Divisional Self-Financed independent School Appellate Authority shall be final.

6. In section 11 of the principal Act, *for* the words "the State Self-Financed Independent School Appellate Authority", the words "the Divisional Self-Financed Independent School Appellate Authority" shall be *substituted*. Amendment of section 11

Repeal and saving 7. (1) The Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) (Amendment) Ordinance, 2020 is hereby repealed. U.P. Ordinance no. 12 of 2020

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the ordinance

referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) Act, 2018 (U.P. Act no. 40 of 2018) has been enacted to provide for regulation of fees in self-financed independent schools in the State of Uttar Pradesh and the matters connected therewith or incidental thereto. In the said Act, there was a provision for increasing the annual fee for existing students and determination of the annual fee for new students. however, there was no clear arrangement to give instruction to the schools to regulate the increase in fee in the public interest under the emergent/special circumstances by the State Government. The aforesaid Act also did not have the provision for Divisional Appellate Authority, Therefore it was decided to amend the aforesaid Act to achieve the above mentioned purposes.

Since the State Legislature was not in session and immediate Legislature action was necessary to implement the aforesaid decision, the Uttar Pradesh Self-Financed Independent Schools (Fee Regulation) (Amendment) Ordinance, 2020 (U.P. Ordinance no. 12 of 2020) was promulgated by the Governor on June 17, 2020.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
J.P. SINGH-II,
Pramukh Sachiv.